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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/007,207   | 11/10/2001  | David T. Shuping     | BROW-002/00US       | 4018             |
| 909  | 7590        | 05/25/2005           | EXAMINER            |                  |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP<br>P.O. BOX 10500<br>MCLEAN, VA 22102 |             |                      | BAYERL, RAYMOND J   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2173                |                  |
| DATE MAILED: 05/25/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                     |
|------------------------------|-------------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>        | <b>Applicant(s)</b> |
|                              | 10/007,207                    | SHUPING ET AL.      |
|                              | Examiner<br>Raymond J. Bayerl | Art Unit<br>2173    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 March 2005.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 28, 39 - 64 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 - 11, 14 - 28, 39 - 40, 43 - 45, 47 - 58, 61 - 64 is/are rejected.
- 7) Claim(s) 12 - 13, 41 - 42, 46, 59 - 60 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/04, 03/21/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While parent claim 44 recites "rendering a first web page", there is no comparable antecedent basis for claim 46's "said rendering a second web page" (line 3).

3.a. Claims 1 – 3, 20 – 21, 26 – 28, 39 - 40 are rejected under the judicially created doctrine of double patenting over claims 1 - 41 of U. S. Patent No. 6,313,855 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

3.b. Claims 1 – 3, 20 – 21, 26 – 28, 39 – 40, 47 – 53 are also provisionally rejected under the judicially created doctrine of double patenting over claims 1 – 68 of copending Application No. 09/985,415. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application reads directly upon the subject matter claimed in the '855 patent and '415 application, since they are claiming common subject matter, as follows: a web-browsing arrangement is such that plural display regions carry plurally-rendered web-pages that are associated with one another. Various details include the specification of a bookmarked scene, the embodiment within

a three-dimensional environment, and the use of plural browser instances to display the associated pages.

At pages 13 – 14 of the 14 March 2005 response, an indication is given that “Applicants will consider filing a Terminal Disclaimer”, only such papers have yet to be received, and the rejections continue to apply.

4. Claims 1, 3, 6, 9 – 11, 14 – 16, 20 – 21, 26 – 28, 43 – 45, 47 – 52, 54 – 58, 61 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 97/29414 to AT & T Corp. (“AT & T) in view of Bukszar et al. (“Bukszar”; US #6,133,916).

As in independent claim 1’s “method for browsing web pages” (see also independent claim 20), AT & T’s METHOD AND APPARATUS FOR PASSIVELY BROWSING THE INTERNET displays images from web pages on a user’s display screen (Abstract). Therefore, “receiving first web page data including a plurality of references” (see also claim 21) takes place in obtaining related images: a group of web images that may be based on the currently displayed page of an active web browser (page 10, line 34 – page 11, line 3) are accessed. Notably in AT & T, web pages corresponding to links appearing on the web pages entered by the user are retrieved (page 18, lines 5 – 26), as in “automatically requesting web page data associated with said subset of said plurality of references”. AT & T’s web page images appear as “a first” and “a second panel”, as shown in figs 1, 2.

AT & T’s procedure for showing plural, related web page imagery is principally concerned with displaying images from web pages, and while AT & T’s currently

displayed web page uses data that directly reads upon that used in claim 1's "rendering a first web page", "rendering additional web pages" (as distinguished from displaying only images from such a page) is not **explicitly** taught by AT & T.

However, it was known in the art at the time of applicant's invention to use entire "web page" images from a related series of such pages in a composite display, as in Bukszar, where [a]t least one graphical representation of a file stored in the cache is displayed in a display region of the graphical user interface (Abstract). The Bukszar files may be HTML web pages, downloaded from a server over a network, such as the Internet. Fig 4 shows an example in Bukszar of representations 46A – 46E of a miniature of a page of data in the file (col 2, lines 7 – 23).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the montage arrangement of AT & T, where linked "web page" imagery is jointly displayed, to use the graphical representation of an entire "web page" as per Bukszar, the motivation being to create a fuller representation in the browser view of the overall context of history that is produced in the AT & T linked page view.

AT & T appears to use unmodified images from web pages, rather than the "thumbnail image" recited in claims 3, 14, 15, 61, 62. However, this is the result of the modification to use the miniature version found in the page representations of Bukszar. In such a case, the user is still given a useful hint of what the page in the series contains.

As per claim 6's "subset of said plurality of references" that is "one or more user selected references", while AT & T allow initial access of information from a current and linked-to set of pages, calling forth "user selected" "references" is not **explicitly** disclosed.

However, Bukszar, in permitting a user to select favorite web pages to store in the cache and represent as graphical representations (col 4, lines 14 – 25), allows the cached page to be displayed in the content area 42 of fig 4. This is a direct result of "user" activity, in the form of favorite selection.

Thus, it would also have been obvious to the person having ordinary skill in the art to call a main page and linked-to pages as per AT & T by means of a favorite menu as per Bukszar, the motivation being the incorporation of an ability to achieve ready access to the position in AT & T that the user may determine to be particularly important.

Bukszar's ability to include user-determined choices for a "panel"-based browsing output in combination with AT & T then suggests the independent claim 9 "rendering" of a "first web page" and web pages for a "plurality of user selectable references" (see also independent claims 16, 44, 54). The "second panel" of AT & T will then contain the full "web page" representation as per Bukszar, as in claim 10 (or, indeed, "a separate second panel" as in claim 11). The panels are "contemporaneously displayed", as in claim 43. User determination as per Bukszar can also provide "another web page using said another web page data" (claims 45, 55), if the user has so chosen. These

additional page representations can be seen as being part of a "second" (claims 56, 57) or "third" (claim 58) panel, in interpreting the AT & T montage.

The related "web page" contents supplied by AT & T are disclosed as resulting from general-purpose browsing, and thus may be "from a single web site" (claim 26) or "separate web sites" (claim 27). In specifying the final montage layout, "positioning" is indicated for the "second panel" (claim 28).

As per independent claim 47's "bookmarking web pages" by "storing a bookmark for a scene" that contains "a first reference to said first web page" (as by "storing first web page data", claim 49 (and as a "local copy", claim 50), to be used for "requesting first web page data", claim 51) and "a second reference to said second web page" (for "requesting second web page data", claim 52), the montage display of AT & T will be similarly created to contain the "web page" images of Bukszar, when Bukszar's above-noted favorite storage is used as a source. This results in display in a "first" and "second panel" for the two images (claim 48).

5. Claims 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT & T in view of Bukszar and Card et al. ("Card"; US #5,838,326).

AT & T is explicitly disclosed as generating a 2-dimensional montage display for linked "web page" information images as is Bukszar, and these are not shown as "a room in a three-dimensional space, said room having a first wall, a second wall, and a third wall" as in independent claim 17.

However, Card clearly shows that it was known in the art to create such a spatial array of document objects in a three dimensional document workspace. Fig 2a shows

the use of three “wall” locations for Document Object 201 and 202a, 202b. Card also specifically contemplates that web page items might appear at the focus (“current”), bookcase (“future”), and tiers (“past”; col 6, line 62 – col 7, line 39).

Thus, it would have been still further obvious to the person having ordinary skill in the art at the time of applicant’s invention to produce a “three-dimensional” distribution of document objects as per Card to represent the linked “web page” displays as per AT & T/Bukszar, the motivation being to make the information more intuitively accessible to the user, who must comprehend a number of related representations at one time.

The Card “room” is clearly “navigable in said three-dimensional space” (claim 18), and as a user progresses from one document to another, a “third wall” “future” item can be moved to a “second wall” “current” location (claim 19), by taking something from the bookcase and moving it to the focus

6. Claims 4 – 5, 7 – 8, 22 – 25, 63 - 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT & T in view of Bukszar and MacNaughton et al. (“MacNaughton”; US #6,433,795 B1).

While “additional web pages” may be called in the AT & T/Bukszar combination through either the links embodied in an original page (AT & T) or the user (Bukszar, with bookmarked favorites), these two references alone do not extend to the point of obtaining such “references” from “a prioritized list” obtained with “said first web page data”, as in claims 4, 5, 7, 23, 24 nor the sourcing from “a third party” (claim 8) or “independently from said current web page data” (claim 22).

However, it was known in the art, as seen in MacNaughton's SYSTEM FOR INTEGRATING AN ON-LINE SERVICE COMMUNITY WITH A FOREIGN SERVICE, to link a "web page" to other content depictions that are sourced from secondarily-derived "references", since MacNaughton's disclosure is of coupling related on-line service displays with relevant locations in the Internet World Wide Web (Abstract). Please note in MacNaughton's fig 6 the way that the WEB HEADS – COMMUNITY is associated with the compuserve.com site appearing in the Explorer browser (see also col 23, lines 12 – 51).

Therefore, it would also have been obvious to the person having ordinary skill in the art to link the "web page" "panel" objects as seen in the AT & T/Bukszar combination by "references" found in places other than the content of the "web page" or user selection, using MacNaughton's technique of INTEGRATING related-but-disparate content. The motivation rests in the type of user environment that each of AT & T and Bukszar are involved with, where anything to assist the user's browsing experience will be a benefit, as in having the additional direction of MacNaughton.

In MacNaughton, then, "content similar to content included in said current web page" appears (claims 25), when the affinity-group-specific pages are seen in the COMMUNITY panel. MacNaughton's ON-LINE SERVICE adaptability extends to the typical mode of "advertising" (claim 63) that is seen in such settings, and this would ordinarily need to "be displayed in said first panel" (claim 64) in a single browser implementation.

7. Applicant's arguments filed 14 March 2005 have been fully considered but they are not persuasive.

In applicant's assertion that "AT&T is not properly combinable with Bukszar", applicant notes the Background of the Invention section of AT&T, where it is noted that accessing web pages with interesting inlined images typically involves browsing through web pages of material by clicking on hypertext links, this contributing to a frustrating aspect of the information revolution in that it requires a good deal of attention on the part of the person who is browsing and can be burdensome. Supposedly, "AT&T **teaches away from such a combination**" (with Bukszar's disclosure of full web-page images), by teaching that image-only display is a preferable mode of avoiding the difficulties in prior art web-browsing access. However, it is not the display of "web pages" *per se* that AT&T is considering burdensome, but rather, the involved task of browsing through web pages of material to find such pages. AT & T therefore contains no teaching away, since the display of entire web pages as per Bukszar would be comparable in its utility in the automated URL access and retrieval of AT & T, which instead is the principal means by which the burdensome frustrating aspect is handled.

53,  
8. Claims 2, 12, 13, 39 – 42, 46, <sup>53,</sup> 59 - 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also with the resolution of those issues that exist under the judicially-created doctrine of non-statutory double patenting.

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These claims, which relate to the use of separate browser engines and engine-instances, continue to be allowable over the prior art of record, for substantially the reasons given in paragraph 10 of the previous Office Action, mailed 24 August 2004.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173  
19 May 2005